

## REMARKS

Claims 1-36 are in the application.

Claims 1, 5, 13, 15, 31 and 32 are amended, and claims 33-36 are new.

In the Amendment dated August 17, claim 11 was mismarked as “original”, and therefore the amendments therein are re-presented with the proper notation.

Claim 1 is amended to change the first instance of “the user” to --a user--. It is believed that this amendment, which is not required for patentability. See, *Energizer Holdings, Inc. v. International Trade Commission*, (Fed. Cir. 2006 05-1018).

Claims 5, 13, 15, 22, and 31 are amended to recite “user-defined information content criteria”.

Claim 19 is amended to recite “displayed links”.

Claim 32 is objected to as being informal for having a generic preamble. It is believed that claim 32 as originally presented complies with all laws, and regulations, and is therefore not objectionable. However, applicants have, without any intended change in meaning or scope, and without prejudice or disclaimer, recited the output of the claimed method as the goal of the method.

Claim 32 is rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicants have amended the claim to require a “perceptual” representation to be output. Thus, the output is not simply data, but must be output in a form suitable for perception. It is therefore respectfully submitted that claim 32 now complies with the patent laws.

Claims 1-32 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-54 of US 6,868,525. Applicants respectfully traverse this rejection.

Claim 1 of the instant application significantly differs from claim 1 of the ‘525 patent in that no criterion independent of an associated object content is employed to locate an object within the hierarchy. Further, claim 1 of the present application requires that at least three hierarchal levels be organized based on a genus-species relationship with respect to a characteristic. Therefore, it is respectfully submitted that the claims are not obvious in view of one another. It is further respectfully submitted that the standard recited by the Examiner, the inquiry of whether the omission of the different elements would interfere with the functionality of the steps previously claimed and would perform the same function, *in re Karlson*, 136 USPQ

184 (CCPA 1963) is not the applicable standard of obviousness, and in any case is not met, because the claims achieve a different function.

These same distinctions apply as to the relationship between claims 27 of the present application and claim 33 of the '525 patent.

Claim 32 of the present application similarly differs from claim 48 of the '525 patent, although the respective claim language is somewhat different and the previous independent claims. That is, claim 32 requires at least three hierarchal levels, while claim 48 of the '525 patent does not. Claim 32 requires that a higher hierarchal level have an associated class inclusion generic for respectively lower classes.

Reconsideration of the obviousness-type double patenting rejection is respectfully requested.

Claims 1-9 and 12-32 are rejected under 35 U.S.C. § 103(a) as being obvious over Hazelhurst et al., US 5,974,412, in view of Hao et al., US 6,377,287.

The Examiner admits that Hazelhurst et al. fails to teach element (c) of claims 1 and 27, and cites Hao et al. to remedy this deficiency. The Examiner alleges, however, that Hao et al. teach a three-level hierarchy, and that a person of ordinary skill in the art would have had motivation to combine these two references, and modify the teachings of Hazelhurst et al., to achieve the presently claimed invention. While it is true that Hao et al. indeed do teach a three level hierarchy, Hao et al. do not teach or suggest automatic allocation of the elements within hierarchal classes based on a content thereof. Hao et al. relies on explicit links between objects in order to define a hierarchal mapping thereof. Therefore, the system and method of Hao et al. does not address object content analysis, and the fuzzy class mapping and ambiguities that would be inherent in a real-world search result. That is, in accordance with the present invention, there is no requirement for such explicit links, and Hao et al. is therefore distinguished. Given the missing teaching, there would be no motivation for a person of ordinary skill in the art to combine the references seeking to achieve the presently claimed invention.

Hao et al. do not teach or suggest any content analysis at all, and the Summary of the Invention, Col. 2, line 56-Col. 4, line 6, make clear that the links are presumed to be provided externally or a priori, for use in generating a display representation. For example, the distinction between primary and secondary links can only be established externally to the system of Hao et

al., since presumably, on an object information content basis alone, this could not be readily or definitively resolved.

If one were to combine the Hazelhurst et al. and Hao et al. references, the result would require the linkage data to be imported with the objects. This would impose a hierarchy on the Hazelhurst et al. system, but it is respectfully submitted that this would be counter to the teachings of Hazelhurst et al., which states: “An Intelligent Query Engine (IQE) system automatically develops multiple information spaces in which different types of real-world objects (e.g., documents, users, products) can be represented. The system then delivers information to users based upon similarity measures applied to the representations of the objects in these information spaces. The system simultaneously classifies documents, users, products, and other objects. Any object which can be related to or represented by a document (a chunk of text) can participate in the information spaces and can become the target of similarity metrics applied to the spaces.” That is, the system assumes that there are no predetermined relationships, or that any such predetermined relationships are not useful on an ad hoc basis, thus requiring classification of objects, not merely reporting of previous predetermined relationships. The system of Hazelhurst et al. does not produce linkages, but rather classifications, and thus would not be able to supply these for the Hao et al. system, especially in a manner which distinguishes primary and secondary linkages.

It is therefore respectfully submitted that the combination of Hazelhurst et al. and Hao et al. fails to meet the requirements of the presently claimed invention, and that the claims are not obvious in view thereof. Reconsideration of the rejection is respectfully requested.

Claim 32 is similarly distinguished. In particular, it is noted that, as with respect to claims 1-31, the Examiner admits that Hazelhurst fails to teach element (c) of the independent claims, and applies Hao et al. to supply the missing teachings. The examiner states that “Hao teaches automatically organizing the selected objects within classes of a taxonomic hierarchy according to a respective information content...” It is respectfully submitted that the method of Hao et al is not sensitive to a document content, and no automatic organization based thereon, is taught or suggested. Hao et al., in fact, operates based on explicit linkages, which may be independent of the document content. Thus, for example, a document with an incorrect or contextually inappropriate explicit linkage would be organized based on the linkage, and not the respective content, clearly showing a difference between the present invention and Hao et al.

Since this result contradicts the express claim language, Hao et al. cannot be taken to stand for the proposition set forth in the claims.

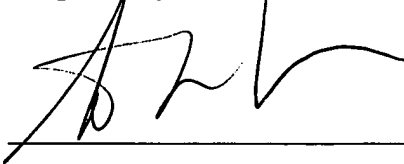
It is therefore respectfully submitted that the claims distinguish the proposed combination of Hazelhurst et al. and Hao et al.

While these distinctions are believed sufficient to overcome the rejection of dependent claims 10 and 11 over Hazelhurst et al, in view of Hao et al. and Hanson et al. (US 5,974,398), applicants provide the following comments. Hanson et al. provides a system and method which is responsive to the user profile, not the semantic context, as required by claim 10. Likewise, with respect to claim 2, from which claim 11 indirectly depends, Hanson et al. do not teach at all that the commercial messages are presented together with otherwise requested content, and would appear to make clear that the commercial content is clearly segregated and handled separately from any other content delivered to a user.

The new dependent claims are believed allowable in view of the above arguments, and further based on their distinctions from the art.

It is therefore respectfully submitted that the application is now allowable.

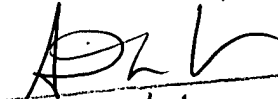
Respectfully Submitted,



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